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**Yuba County
Pesticide Regulatory Program
2006/2007 Performance Evaluation Report**

**California Environmental Protection Agency
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Performance Evaluation of the Yuba County Agricultural Commissioner Pesticide Use Enforcement Program

This report provides a performance evaluation of Yuba County Agricultural Commissioner's (CAC's) pesticide use enforcement (PUE) program for fiscal year (FY) 2006/2007. The assessment evaluates the performance of goals identified in the CAC's enforcement work plan as well as the program's adherence to Department of Pesticide Regulation (DPR) standards as described in the Pesticide Use Enforcement Standards Compendium.

I. Summary Report of Core Program

A) Restricted Materials Permitting

The restricted materials permitting program element was found to *meet* DPR standards and work plan goals.

B) Compliance Monitoring

The compliance monitoring program element was found to *meet* DPR standards and work plan goals.

C) Enforcement Response

The enforcement response program element was found to *meet* DPR standards and work plan goals.

Summary Statement:

No deficiencies have been identified in the Yuba CAC's pesticide use program. Yuba CAC's program is currently effective at delivering the local enforcement program of the state.

II. Assessment of Core Program Effectiveness and Work Plan Goals

A) Restricted Materials Permitting:

1) Permit Issuance:

The Yuba CAC permit issuance procedures and performance were evaluated through observation and interviews of staff and found to conform to DPR standards and expectations. The four biologists that issue permits all possess Pesticide Regulation and Investigation and Environmental Monitoring licenses. The DPR evaluation determined that permits are:

- Issued only to qualified applicants;
- Signed by authorized persons;
- Issued for time periods allowed by law; and
- Permit amendments follow approved procedures.

The Yuba CAC staff has two areas designated for permit issuance. Staff uses Ag GIS to determine sensitive sites and potential hazards.

2) Site Evaluation:

The Yuba CAC site evaluation procedures were evaluated through observation, record review, and interviews of staff and found to conform to DPR standards and expectations. The CAC issued 271 restricted materials permits and 60 operator identification numbers during FY 06/07. The permits:

- Contained the necessary information;
- Identified treatment areas and sensitive areas that could be adversely impacted by permitted uses; and
- Identified mitigation measures and included conditions that addressed known hazards.

The CAC staff adequately evaluated and determined if the use of feasible alternatives was required. The program reviews all Notices of Intent (NOIs) in a timely manner and adequately monitored agricultural and nonagricultural permits utilizing pre-application site evaluations and use monitoring inspections.

The Yuba CAC has experienced and well-trained PUE staff. Staff utilizes their knowledge of crops, cropping patterns, and cultural practices to effectively mitigate potential hazards.

B) Compliance Monitoring:

1) Inspections:

The Yuba CAC permit inspection procedures and performance were evaluated through DPR oversight inspections and record review and found to conform to DPR standards and expectations. Two biologists that possess Pesticide Regulation and Investigation and Environmental Monitoring licenses work as area lead persons for PUE. Two additional biologists that possess Pesticide Regulation and Investigation and Environmental Monitoring assist, as needed. Inspections are performed according to DPR policies and procedures and inspection reports are complete and comprehensive. The inspections adequately provide the information necessary to successfully prosecute violations.

Inspections performed by the CAC were found to:

- Adequately address label, law, and regulatory requirements;
- Include interviews of employers and employees as appropriate;
- Adequately document violations; and
- Include appropriate follow-up inspections and procedures.

When violations are detected in the field, the Deputy CAC meets with staff to determine the most effective course of action.

2) Investigations:

The Yuba CAC investigation procedures and performance were evaluated through observation, record review, and interviews of staff and found to

conform to DPR standards and expectations. The CAC investigates all complaints and completes inspection reports in a timely manner. The CAC notifies DPR and other agencies as required.

Investigations are thorough, complete, and submitted on approved forms and in an approved format. The investigations document violations and the CAC collects evidence according to DPR standards. The investigations adequately provide information necessary to successfully prosecute violations.

The Yuba CAC has improved significantly the quality and thoroughness of investigations.

C) Enforcement Response:

The Yuba CAC enforcement response was evaluated through observation, record review, and interviews of staff and found to conform to DPR standards and expectations. The CAC's enforcement response was found to:

- Initiate appropriate action when violations were identified;
- Ensure that due process requirements are met when taking enforcement or permit action or when initiating a private applicator certification or registration refusal/revocation;
- Sufficiently support compliance; and
- Adequately protect the public and the environment.

The Yuba CAC has improved significantly the quantity, quality, and timeliness of enforcement responses. The Yuba CAC has worked jointly with the Yuba County District Attorney's Office to increase CAC enforcement presence.

III. Recommendations:

Recommendations include a greater enforcement focus on maintenance gardeners and Structural Pest Control Operators to ensure compliance with licensing and personal protective equipment requirements.

IV. Non-Core and Desirable Activities

Desirable non-core activities include increased outreach to maintenance gardeners.